

REMARKS

In this paper, claims 3-5, 7-9, 13, 14, 18, 20 and 21 are currently amended, and claims 1, 2, 10-12, 16-17 and 23-25 are canceled. After entry of the above amendment, claims 3-5, 7-9, 13-14 and 18-21 are pending, and claims 1, 2, 6, 10-12, 15-17 and 22-25 have been canceled.

Claims 13 and 18 have been rewritten to be in independent form, including all of the limitations of claim 1 and intervening claims, so as to reduce the number of issues for further proceedings. Accordingly, it is believed the amendments are proper.

Claims 1-5, 7-14, 16-21 and 23-25 were rejected under 35 U.S.C. §112 as not satisfying the written description requirement. Independent claims 13 and 18 recite at least a majority of the disk brake rotor apparatus between outermost lateral side *surfaces* of the first rotor member, the first second rotor member and the second second rotor member at correspondingly same radial and circumferential locations thereof is free of voids. In other words, voids are absent between correspondingly disposed *surfaces* of the rotor members for a majority of the disk brake rotor apparatus. While Fig. 7 shows a cross section of a part of the disk brake rotor apparatus, Figs. 6A and 6B show the complete rotor members. When the fixing holes (90A) and (91D) are lined up during manufacture, *it is apparent from Figs. 6A and 6B that all of the openings align with each other*, so the remaining portions will be free of voids between their correspondingly facing *surfaces*. Thus, Figs. 6A and 6B support the claimed subject matter.

Claims 13 and 14 were rejected under 35 U.S.C. §112 as being indefinite. Claim 13 has been amended to introduce the plurality of fasteners and to recite the relation of the fixing components to the fasteners to avoid vagueness.

Claims 1-5 and 7-14 and 23-25 were rejected under 35 U.S.C. §103(a) as being unpatentable over Otomo (JP 2,679,162) in view of Shima, et al (JP 56-134,089). This basis for rejection is respectfully traversed.

Otomo discloses a disk brake rotor (4) comprising a first rotor member (1) disposed between a pair of second rotor members (2). A plurality of attaching holes (5) are formed through disk brake

rotor (4), and a cylindrical collar (7) is fitted in each attaching hole (5). A fastener (9) extends through each collar (7) to mount disk brake rotor (4) to a mounting member (not shown). Each collar (7) extends from the external side surface of one second rotor member (2) to the opposite external side surface of the other second rotor member (2). As a result, all pressing forces of fastener (9) are communicated through collar (7), so rotor members (1) and (2) are not pressed towards each other by the fastener and the hub mounting member to prevent delamination of the first rotor member and the first second rotor member from each other.

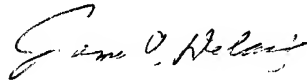
The final office action states that Otomo's fasteners (9) are capable of pressing against the laminate to prevent delamination of the rotor. The rationale is that forces that resist movement of the rotors away from each other are necessarily oriented in a direction forcing the rotors toward each other. However, while it is true that for every action there is an equal and opposite reaction, this well-known law only produces equilibrium. In order for a force to press or *force* the rotors towards each other as stated in the office action, the force must create a bias or stress on the rotors. Forces that produce equilibrium do not create a bias or stress. While it is true that claim terms are given their broadest reasonable interpretation during examination, the interpretation must be reasonable and not repugnant to ordinary usage. As an analogy, nobody would say that a person merely holding a baseball in his/her hand is pressing the baseball toward the sky.

Furthermore, as recited in independent claims 13 and 18, the pressing must be of the type that prevents delamination of the first rotor member and the second rotor member from each other. By definition, delamination only requires breaking the bond between the rotor members. Delamination does not require the rotor members to move away from each other. Accordingly, pressing as recited in the claims requires the creation of some kind of stress in the rotor members that biases the rotor members towards each other. Neither Otomo nor Shima discloses or suggests the claimed subject matter.

Claims 16-21 were rejected under 35 U.S.C. §103(a) as being unpatentable over Otomo in view of Shima, at al and Seymour (US 6,343,675). This basis for rejection is respectfully traversed for the reasons noted above.

Accordingly, it is believed that the rejections under 35 U.S.C. §103 and §112 have been overcome by the foregoing amendment and remarks, and it is submitted that the claims are in condition for allowance. Reconsideration of this application as amended is respectfully requested. Allowance of all claims is earnestly solicited.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "James A. Deland".

James A. Deland
Reg. No. 31,242

DELAND LAW OFFICE
P.O. Box 69
Klamath River, California 96050
(530) 465-2430